

GRS Update Proposal 2301

Special education records (GRS-1476) (Updates in MAGENTA)

Title

Special education **student** records (GRS-1965)

Description

These records document the progress and participation of students or clients enrolled in special education programs. A student with a disability under the age of 22 who has not graduated from high school with a regular diploma may participate in a public school program or extracurricular activity (Utah Code 53G-6-709). Information includes individualized education program records (IEPs), evaluations, parental information and correspondence, assessments and related records.

Retention note: Utah State Board of Education Special Education rules set a standard retention of 3 years after the records are “no longer needed to provide educational services to the student,” which is further defined as “three years after the student graduates or three years after the student turns 22.” Local education agencies that bill to Medicaid are required to keep the records for 5 years after separation.

Retention and Disposition

Retain for 3 years after separation, and then destroy records. OR Retain for 5 years after separation, and then destroy records.

Explanation for update

The purpose of this update is to explain a confusing retention statement. On discussing with USBE, we determined that a brief explanatory note in the description would help clarify.

Feedback

2/16/2023 8:35:07

2301 Special education records (GRS-1476), 2302 Special education mediation agreements (GRS# TBD)

Thank you for the clarification of description. It is much appreciated as we sort through our many files.

Kathy James 801-794-2226 opt. 220 kjames@americanleadership.net

2/16/2023 16:27:46

2301 Special education records (GRS-1476)

Since this is about records retention I don't understand why a statement is made about "a student may participate in a public school program or extracurricular activity" I would suggest that participation be left to the special education rules and not be included in record retention rules.

Ryan Burke 8016108209 rburke@alpinedistrict.org

This doesn't appear to do much but add notes of clarification? We would like more substantial change. Such as all records mean the five-year requirement rather than a three and a five. Does that make sense?

Benjamin Horsley

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Hi Benjamin,

I'm sorry for the late reply to your feedback. As noted in the comments, the schedule needs a flexible 3 or 5 year retention for Medicaid billing purposes.

Thank you,